

REFERENCE TITLE: speeding citations; photo enforcement systems

State of Arizona
Senate
Forty-ninth Legislature
First Regular Session
2009

SB 1364

Introduced by
Senator Gould

AN ACT

AMENDING TITLE 28, CHAPTER 3, ARTICLE 6, ARIZONA REVISED STATUTES, BY ADDING SECTION 28-711; AMENDING SECTION 41-1722, ARIZONA REVISED STATUTES; RELATING TO PHOTO ENFORCEMENT SYSTEMS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:
2 Section 1. Title 28, chapter 3, article 6, Arizona Revised Statutes,
3 is amended by adding section 28-711, to read:

4 28-711. Photo enforcement systems: limitation on citation
5 issuance

6 NOTWITHSTANDING ANY OTHER LAW, THIS STATE OR A LOCAL AUTHORITY THAT HAS
7 JURISDICTION OVER A PHOTO ENFORCEMENT SYSTEM, INCLUDING A STATE PHOTO
8 ENFORCEMENT SYSTEM ESTABLISHED PURSUANT TO SECTION 41-1722, SHALL:

9 1. CAUSE THE PHOTO ENFORCEMENT SYSTEM TO ONLY ISSUE CITATIONS FOR A
10 VIOLATION OF THIS ARTICLE IF A VEHICLE IS TRAVELING AT LEAST ELEVEN MILES PER
11 HOUR FASTER THAN EIGHTY-FIVE PER CENT OF THE VEHICLES ON THE HIGHWAY.

12 2. DETERMINE THE MINIMUM SPEED LIMIT THAT WILL RESULT IN A CITATION
13 FOR A VIOLATION OF THIS ARTICLE THAT IS DETECTED BY THE PHOTO ENFORCEMENT
14 SYSTEM PURSUANT TO PARAGRAPH 1. THE MINIMUM SPEED LIMIT SHALL BE DETERMINED
15 BASED ON VEHICLES TRAVELING DURING NONPEAK DAYLIGHT HOURS UNDER GOOD WEATHER
16 CONDITIONS.

17 Sec. 2. Section 41-1722, Arizona Revised Statutes, is amended to read:

18 41-1722. State photo enforcement system; penalties; fund

19 A. Notwithstanding any other law AND EXCEPT AS PROVIDED IN SECTION
20 28-711, the department shall enter into a contract or contracts with a
21 private vendor or vendors pursuant to chapter 23 of this title to establish a
22 state photo enforcement system consisting of cameras placed throughout this
23 state as determined by the director to enforce the provisions of title 28,
24 chapter 3, articles 3 and 6 relating to vehicle traffic and speed.

25 B. Notwithstanding any other law, the civil penalty or fine for a
26 citation or a notice of violation issued pursuant to this section is one
27 hundred sixty-five dollars and is not subject to any surcharge except the
28 surcharge imposed by section 16-954. State photo enforcement citations shall
29 not be included in judicial productivity credit calculations for fiscal year
30 2008-2009.

31 C. The photo enforcement fund is established consisting of monies
32 received from citations or notices of violation issued pursuant to this
33 section. The director shall administer the fund. Monies in the fund are
34 subject to legislative appropriation and are appropriated to the department
35 for administrative and personnel costs of the state photo enforcement system.
36 Monies remaining in the fund in excess of two hundred fifty thousand dollars
37 at the end of each calendar quarter shall be deposited, pursuant to sections
38 35-146 and 35-147, in the state general fund.

39 D. Notwithstanding any other law, if a person is found responsible for
40 a civil traffic violation or a notice of violation pursuant to a citation
41 issued pursuant to this section, the department of transportation shall not
42 consider the violation for the purpose of determining whether the person's
43 driver license should be suspended or revoked. A court shall not transmit
44 abstracts of records of these violations to the department of transportation.